

1 STEVEN W. MYHRE  
2 Acting United States Attorney  
3 Nevada Bar No. 9635  
4 SHANNON M. BRYANT  
5 Assistant United States Attorney  
100 West Liberty Street, Suite 600  
Reno, NV 89501  
(775) 784-5438  
[shannon.bryant@usdoj.gov](mailto:shannon.bryant@usdoj.gov)

6 | Representing the United States of America

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00065-MMD-VPC

Plaintiff,

GOVERNMENT'S MOTION TO DISMISS  
INDICTMENT AND PROPOSED ORDER  
FOR DISMISSAL

## JOLENE FRANCES ALECK.

**Defendant.**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by Government motion, leave of Court endorsed hereon, the United States Attorney for the District of Nevada hereby to dismiss the Superseding Indictment filed on October 11, 2017, against JOLENE FRANCES K, Defendant herein. After having reviewed the Court's Order Denying Government's Motion reconsideration [Doc. No. 67] and the Amended Order [ECF 69], the Government consulted fully with Department of Justice personnel and has concluded it cannot proceed to trial and simultaneously remain in compliance with the Court's order to disclose the personnel files of a non-BIA agent because it believes in good faith that those files are protected by provisions of the Civil Rights Act of 1974, 5 U.S.C. § 552a. Therefore, as the Government does not wish to run afoul of the

111

111

1 Court's orders, the Government moves to dismiss the Superseding Indictment without prejudice.

2 DATED this 27th day of October, 2017.

3 STEVEN W. MYHRE  
4 Acting United States Attorney

5 /s/ Shannon M. Bryant  
6 SHANNON M. BRYANT  
7 Assistant United States Attorney

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOLENE FRANCES ALECK,

Defendant.

Case No. 3:16-cr-00065-MMD-VPC

ORDER DISMISSING INDICTMENT

The Court, having received and reviewed the Government's Motion to Dismiss Indictment, and pursuant to Fed.R.Crim.P. 48(a), does hereby grant the Motion. The Indictment in the above-captioned matter previously filed on October 11, 2017, is hereby dismissed without prejudice.

Dated: October 27, 2017

MIRANDA M. DU  
DISTRICT JUDGE

MIRANDA M. DU  
DISTRICT JUDGE

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies, under penalty of perjury, that I am an employee in the Office of the United States Attorney for the District of Nevada and that pursuant to LCR 47-11, I caused to be electronically filed on this date, a true and correct copy of the **GOVERNMENT'S MOTION TO DISMISS INDICTMENT AND ORDER TO DISMISS** with the Clerk of the Court using the CM/ECF system, which will automatically e-serve the same on the attorneys of record set forth below:

LAUREN GORMAN, Asst. FPD  
CHRISTOPHER FREY, Asst. FPD  
Office of Federal Public Defender  
201 W. Liberty Street, Suite 102  
Reno, NV 89501  
[lauren\\_gorman@fd.org](mailto:lauren_gorman@fd.org)  
[chris\\_frey@fd.org](mailto:chris_frey@fd.org)

Dated this 27th day of October, 2017

By: /s/ Shannon M. Bryant